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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LUCILLE I. HORNER,

Plaintiff,

v.

GE CAPITAL RETAIL BANK, a banking
organization,

Defendant.

Case No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant GE Capital Retail Bank ("GECRB") files this Notice of Removal to this Court of an action pending against GECRB in the Circuit Court of the State of Oregon (the "Action"). Removal is based on the following grounds:

1. The plaintiff, Lucille I. Horner ("Plaintiff"), commenced the Action against GECRB on or about October 4, 2012. The Action bears the same title as above and is docketed in the Circuit Court of Multnomah County, Oregon, as Case No. 1210-12502.

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2. GECRB received service of the complaint on October 15, 2012, which is within 30 days of the date this Removal Notice is filed. A copy of the Complaint is attached hereto as Exhibit A, pursuant to 29 U.S.C § 1446(a).

3. The Court has original jurisdiction over all civil actions arising under the Constitution, laws, or Treaties of the United States under 28 U.S.C. § 1331, and the Action may be removed to this Court pursuant to 28 U.S.C. § 1441(b).

4. Plaintiff alleges in her Complaint that GECRB violated the United States Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* Plaintiff's claim against GECRB therefore arises out of federal law. This Court has jurisdiction under § 1692(k) of the Fair Debt Collection Practices Act, which provides that an action brought under the act "may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction..."

5. This Action is removable to this Court as "The District Court of the United States for the District and Division embracing the place where such action is currently pending." 28 U.S.C. § 1446(a).

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6. GECRB has provided notice of the removal of this Action to Plaintiff and to the Circuit Court of Multnomah County, by filing a "Removal Notice," together with a copy of this "Notice of Removal," in the Circuit Court of Multnomah County, and by serving copies of the same on Plaintiff pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, GECRB respectfully requests that the Action be removed to this Court.

DATED this 14th day of November, 2012.

MARTIN, BISCHOFF, TEMPLETON,
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